

Formal Matters

The Examiner has provisionally rejected Claims 1-9, 15-22, and 27-30 under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over Claims 1-9 of U.S. Patent No. 6,296,919. The Examiner contends that, although the claims are not identical, they are not patentably distinct from each other because the instant claims recite a skin thickness that would have been obvious for the article of the patent to have as a result of the method used to make the article claims of the '919 patent as noted above. U.S. Patent No. 6,296,919 and the instant application are commonly owned by Milliken & Company. Applicants respectfully request leave to file an appropriate terminal disclaimer until such time as the Examiner confirms that the claims herein are otherwise in condition for allowance.

In the Claims

Please amend the Claims as described below. A clean copy of the amended claims is attached as an appendix to this response.

Please cancel Claims 7, 15-19, and 27-30.

Please amend Claim 1 as follows:

1. (amended) A rubber floor mat comprising:

 a single vulcanized sheet of foam rubber having at least one protrusion integrated on at least one side of said sheet;

 said foam rubber having a dense rubber skin completely encompassing said sheet; and

 wherein an outer portion of said protrusion has a thick dense rubber skin [that is at least 15 microns thicker than said skin elsewhere on said foam rubber sheet] and wherein said protrusion has a diameter in the range of about 1/32 inch to about 1/8 inch.

Please add new Claim 31. No new matter is being added with the addition of this claim. Support for new Claim 31 and the amendment to Claim 1 is found on page 8 of the specification, lines 8-9.

31. (new) The rubber floor mat set forth in Claim 1, wherein said protrusion has a diameter of about 3/32 inch.

Art Rejections Under 35 USC §103

Claims 1-9, 15-22, and 27-30 stand rejected under 35 USC §103(a) as being unpatentable over Rockwell, Jr. et al. (U.S. Patent No.6,296,919). The Examiner's position is essentially as follows:

Rockwell, Jr. teaches the use of a mold with holes, heated by a press to vulcanize a foam rubber mat with projections and a fabric top (abstract, column 7, lines 5-15). The instant invention claims a foam rubber mat with projections where the skin of the projections is thicker than the skin of the rest of the mat. It would have been obvious for one of ordinary skill in the art to have understood that there would have been a temperature difference between the surface of the mold next to the heated press and the surface against the main body of the mat, which would result in higher temperatures near the bottom of the projection. Applicant discloses that this temperature difference produces a thicker skin at the bottom of the projections, which are closer to the bottom of the mold. This structure meets the instant claim language.

Applicants respectfully traverse this rejection of Claims 1-9, 15-22, and 27-30. Claims 15-19 and 27-30 have been cancelled. Applicants have amended Claim 1 to remove the limitation of a thicker dense rubber skin on the protrusions, as compared with the remainder of the mat surface.

Having removed the limitation of a dense rubber skin thickness that is greater on the protrusions than on the remainder of the foam rubber sheet, Applicants believe that they have overcome the grounds of the Examiner's rejection. Accordingly, Applicants respectfully assert that the Examiner's rejection of Claims 1-9 and 20-22 under 35 USC §103 is now improper, and respectfully request that this rejection be withdrawn.

Conclusion

Reconsideration of Claims 1-9 and 20-22 in light of the above remarks is respectfully requested. The issue of a Terminal Disclaimer has been addressed. It is believed that Claims 1-9, 20-22, and 31 are otherwise in condition for allowance, and such action is hereby earnestly solicited.

Respectfully submitted,

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APPENDIX
Claim Copy of Amended Claims
US Patent Application No. 09/574,856 to Kerr et al.

1. (amended) A rubber floor mat comprising:
 - a single vulcanized sheet of foam rubber having at least one protrusion integrated on at least one side of said sheet;
 - said foam rubber sheet having a dense rubber skin completely encompassing said sheet; and
 - wherein an outer portion of said protrusion has a thick dense rubber skin and wherein said protrusion has a diameter in the range of about 1/32 inch to about 1/8 inch.
2. The rubber floor mat set forth in claim 1, wherein said sheet of foam rubber includes a plurality of protrusions integrated on one side of said sheet.
3. The rubber floor mat set forth in claim 1, wherein said sheet of foam rubber includes a plurality of protrusions integrated on both sides of said sheet.
4. The rubber floor mat set forth in claim 1, wherein said dense rubber skin on said protrusion is between about 30-80 microns thick.
5. The rubber floor mat set forth in claim 1, wherein said foam rubber is formed from a nitrile foam rubber compound.
6. The rubber floor mat set forth in claim 5, wherein said dense rubber skin formed on said outer portion of said protrusion is between twice and ten times as thick as said skin formed about said entire outer layer of said mat.

7. Cancelled

8. The rubber floor mat set forth in claim 1, further comprising at least one solid rubber reinforcing strip around outer peripheral edges of said rubber floor mat.

9. The rubber floor mat set forth in claim 1, further comprising a carpet pile secured to one side of said foam rubber sheet.

10. Withdrawn from consideration

11. Withdrawn from consideration

12. Withdrawn from consideration

13. Withdrawn from consideration

14. Withdrawn from consideration

15. Cancelled

16. Cancelled

17. Cancelled

18. Cancelled

19. Cancelled

20. A rubber floor mat comprising:

a single vulcanized sheet of foam rubber having at least one protrusion integrated on at least one side of said sheet;

said foam rubber sheet having a dense rubber skin completely encompassing said sheet; and

wherein at least an outer portion of said protrusion has a thick dense rubber skin that is at least 40 microns thick.

21. The rubber floor mat set forth in claim 20, wherein said sheet of foam rubber includes a plurality of protrusions integrated on both sides of said sheet.

22. The rubber floor mat set forth in claim 20, wherein said dense rubber skin on said protrusion is between 40-80 microns thick.

23. Withdrawn from consideration

24. Withdrawn from consideration

25. Withdrawn from consideration

26. Withdrawn from consideration

27. Cancelled

28. Cancelled

29. Cancelled

30. Cancelled

31. (new) The rubber floor mat set forth in Claim 1, wherein said protrusion has a diameter of about 3/32 inch.